IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 2122 of 2007()

CRIME NO.276/2005 OF KAYAMKULAM POLICE STATION

PETITIONER

VARGHESE @ RAJU, AGED 52 YEARS,
KODOOKKARA VILLA, KRISHNAPURAM VILLAGE,
KAYAMKULAM

BY ADV. SRI.A.SHAFEEK

RESPONDENTS:

STATE OF KERALA REP. BY THE SUB INSPECTOR
OF POLICE, KAYAMKULAM THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, EKM.

BY PP P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2.4.2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2122/2007

Dated this 2nd day of April, 2007

O R D E R

The petitioner, who is the second accused in Crime No.276/2005 of Kayamkulam Police Station for an offence punishable under Section 420 IPC read with Section 34 IPC seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in C.C.No.751/2005 before the J.F.C.M, Kayamkulam, non bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial Court and seek regular bail.

3. Accordingly, if the petitioner surrenders before the J.F.C.M., Kayamkulam and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non appearance.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs